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6 Attorneys for Taco Corporation of America
and Brett Buerck

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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 In re
12 BENJA INCORPORATED,
13 Debtor.

Case No. 20-30819 DM
Chapter 7

14 **NOTICE OF APPEARANCE, REQUEST
FOR SERVICE OF PAPERS, AND
RESERVATION OF RIGHTS**

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18 **PLEASE TAKE NOTICE** that the undersigned counsel hereby appears in the chapter 7 case
19 (the “Case”) of the above-captioned debtor (the “Debtor”) for and on behalf of Taco Corporation of
20 America (“TCA”) and Brett Buerck (“Buerck”), pursuant to Section 1109(b) of title 11 of the United
21 States Code (the “Bankruptcy Code”) and Rule 9010(b) of the Federal Rules of Bankruptcy
22 Procedure (the “Bankruptcy Rules”).

23 **PLEASE TAKE FURTHER NOTICE** that the undersigned counsel, on behalf of TCA and
24 Buerck, hereby requests service of any and all notices given or required to be given in the Case, and
25 all papers served or required to be served in the Case, including all adversary proceedings and other
26 related cases and proceedings (collectively, “Related Proceedings”), and requests that the name and
27 address of the undersigned counsel be added to all mailing matrices and service lists maintained in
28 the Case. Service may be made and directed as follows:

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PLEASE TAKE FURTHER NOTICE that the within request for service includes not only the notices and papers referred to in the Bankruptcy Code, the Bankruptcy Rules, and the Federal Rules of Civil Procedure (wherever applicable), but also includes, without limitation, any notice, application, complaint, demand, motion, petition, pleading or request, whether formal or informal, written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telex, email, or electronic filing or otherwise filed or made with regard to the Case or any Related Proceedings, and for the purposes of CM/ECF.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and any subsequent appearance, pleading, claim, or suit made or filed by TCA and/or Buerck do not, shall not, and shall not be deemed to:

- constitute a submission by TCA or Buerck to the jurisdiction of the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”);
- constitute consent by TCA or Buerck to entry by the Bankruptcy Court of any final order in any non-core proceeding, **which consent is hereby withheld unless, and solely to the extent, expressly granted in the future with respect to a specific proceeding;** or
- waive any substantive or procedural rights of TCA or Buerck, including but not limited to (a) the right to challenge the constitutional authority of the Bankruptcy Court to enter a final order or judgment on any matter; (b) the right to have final orders in non-core matters entered only after de novo review by a United States District Court judge; (c) the right to trial by jury in any proceedings so triable herein, in any Related Proceedings, or in any other case, controversy, or proceeding related

NOTICE OF APPEARANCE, REQUEST FOR SERVICE, RESERVATION OF RIGHTS

1 to or arising from the Debtor, the Case, or any Related Proceedings; (d) the right to
2 seek withdrawal of the bankruptcy reference by a United States District Court in any
3 matter subject to mandatory or discretionary withdrawal; or (e) all other rights,
4 claims, actions, arguments, counterarguments, defenses, setoffs, or recoupments to
5 which TCA or Buerck are or may be entitled under agreements, at law, in equity, or
6 otherwise, all of which rights, claims, actions, arguments, counterarguments,
7 defenses, setoffs, and recoupments are expressly reserved, nor shall this request for
8 notice be deemed to constitute consent to electronic service of any pleading or papers
9 for which mailed or personal service is required under any applicable law, rule,
10 regulation, or order.

11 Dated: April 23, 2021

12 MICHELSON LAW GROUP

13 By: Randy Michelson
14 Randy Michelson
15 Attorneys for Taco Corporation of America
and Brett Buerck

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